IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 354/2006
(State of Rajasthan & Ors. Vs. Ummed Singh & Anr.)

Date of Order : 25/01/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Rameshwar Dave, Dy.G.A.for the petitioners.

BY THE COURT:-

By an application being I.A. No.4374/06 the petitioners submit that the respondent-workman Ummed Singh died on 21.2.2004 and a death certificate issued by Municipal Council, Bikaner on 26.2.2004 has been placed on record.

The writ petition was filed on 26.10.2005, whereas according to the petitioners, the respondent-workman died on 21.2.2004. Admittedly, the writ petition has been filed against a dead person and as such it is not maintainable. Even from the perusal of the impugned award dated 28.8.2004 passed by Labour Court, Bikaner it is clear that the award has been made by the labour court in favour of a dead person.

The writ petition is therefore, dismissed as not maintainable. Interim stay order dated 25.1.2006 stands vacated and stay petition is dismissed. The I.A. No. 4374/06 also stands disposed of.

(H.R.PANWAR),J.

rp